

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

//

CRIMINAL NO. 1:12CR1-1
(Judge Keeley)

HARVEY BREWER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 8, 2012, the defendant, Harvey Brewer ("Brewer"), filed a pro se motion to suppress evidence (dkt. no. 35). Pursuant to 28 U.S.C. § 636(b)(1), the Court referred this matter to United States Magistrate Judge John S. Kaul for a report and recommendation. On March 15, 2012, Magistrate Kaul issued an Opinion and Report and Recommendation ("R&R") in which he recommended that Brewer's motion be denied (dkt. no. 52). In the R&R, Magistrate Kaul determined that Brewer is not entitled to file any pro se motions because he is represented by counsel. He also concluded that Brewer's motion was untimely and had no legal merit. Brewer filed objections to the R&R on March 21, 2012 (dkt. no. 67).

After conducting a de novo review, the Court concludes that Brewer's objections lack legal merit and **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 52). Accordingly, the

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Court **DENIES** Brewer's pro se motion to suppress evidence (dkt. no. 35).

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record.

DATED: March 22, 2012.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE